

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Legislative Policy: School Facilities

**Policy
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M-45

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Purpose

To establish legislative policy guidelines on school facility legislation.

Background

The proposed legislative platform is in response to the 1986 School Facilities legislation. It addresses problems encountered by school districts, planning jurisdictions and builders resulting from the lack of clarity in the intent and terminology in portions of that legislation dealing with school facility fee administration. The recommendations focus on minimizing these problems while allowing the maximum level of local control. More specifically, the goals of the proposed action are to:

1. Alleviate complications to city and county building permit authorization processes due to unclear categorization of permit type (e.g., which permits are residential vs. industrial/commercial vs. exemptions).
2. Maximize uniformity in general application of the law while retaining local control in evaluating individual projects.
3. Attain appropriate relief for local costs incurred in administering the developer fee authority.
4. Identify reasonable and credible means by which school districts can meet state requirements for estimating building permit activity.

Policy

1. Support legislation which would define "residential development" as follows: issuance of a building permit for any construction of residential dwelling units, including mobile homes.
2. Support legislation which would define "commercial or industrial development" as follows: issuance of a building permit for other than residential or agricultural uses.
3. Support legislation which would specify that the following types of building permits are exempt from the school fee certification requirement: a. Structures other than buildings, including (but not limited to):
 - 1. swimming pools
 - 2. fences

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- 3. signs
- 4. demolitions and removals of buildings
- 5. electrical, plumbing and gas, mechanical permits
- 6. solar array installations
- 7. retaining walls

b. All temporary occupancy permits.

c. All agricultural buildings (Occupancy Group "M").

d. Garages, carports and parking structures.

e. Interior remodels of existing habitable dwelling space or tenant improvements within existing commercial or industrial space.

f. Replacement on the same parcel by the owner of dwellings destroyed by fire or other calamity if application for a building permit to replace the dwelling is made within one year and if new construction does not exceed previous square footage. Fees would be paid only on the increase in square footage.

g. Any of the following if not enclosed: patio covers, decks, balconies, stairs, awnings and patios.

h. Move-ons within the same district.

4. Support legislation specifying appropriate procedure to be followed and findings to be made by school districts as a condition of levying the fee and which would not be applied retroactively.

5. Support legislation which designates the local school district as the fee collecting authority and permits entering into agreements with other parties such as cities and/or counties to collect the fee for the school district.

6. Support legislation that requires the match be estimated based on experience from January 1, 1987, to the date the estimate is made.

7. Support legislation which would permit the district to use up to three percent of the fees to pay actual costs associated with the administration of the school fee program and to allow these costs to be deducted from the local matching share requirement. 8. Support legislation specifying that for residential development, the fee is charged on the basis of floor area as defined in the Uniform Building Code, exclusive of the exemptions as specified in Policy No. 3 of this platform.

9. Support legislation specifying that for industrial/ commercial development, the fee is charged on the basis of floor area as defined in the Uniform Building Code, exclusive of the exemptions as specified in Policy No. 3 of this platform.

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10. Support legislation providing that the fee is collected at the time of building permit issuance.

11. Support legislation that gives cities and counties appropriate authority to continue to issue building permits pending resolution of fee disputes between school districts.

12. Support legislation that allows developers to pay school fees for commercial and industrial development under protest, in the same manner as for residential development pursuant to Government Code Section 65913.5.

Responsible Departments

1. Department of Planning and Land Use
2. Office of Intergovernmental and Public Affairs

Sunset Date

This policy will be reviewed for continuance by 1-1-90

Board Action

7-29-86 (60)

4-7-87 (128)